

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re OPTIONABLE SECURITIES LITIGATION

07 Civ. 3753 (LAK)

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**MOTION OF THE DESAI GROUP TO BE APPOINTED LEAD PLAINTIFF  
AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that class members Hemant Desai and NY Drugs Inc. (collectively, the "Desai Group"), by their counsel, will hereby move this Court, on a date and at such time as may be designated by the Court, for an Order: (i) appointing the Desai Group as lead plaintiff; (ii) approving the Desai Group's selection of the law firms of Brodsky and Smith, LLC and Schifffrin Barroway, Topaz & Kessler, LLP and to serve as Lead Counsel; and (iii) granting such other and further relief as the Court may deem just and proper. In support of this motion, the Desai Group submits herewith a Memorandum of Law and Declaration of Evan J. Smith.

Dated: July 10, 2007

Respectfully submitted,

**BRODSKY & SMITH, LLC**

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